

TERMS OF REFERENCE

**FOR THE STRUCTURE AND
FUNCTION OF**

**THE SOUTH-SIDE
JOINT HEALTH & SAFETY
COMMITTEE**

As Agreed Between
The City of Thunder Bay,
CUPE Local 87, United Food and Commercial
Workers and
Non-union workers

September 2010

PREAMBLE

- I. Whereas The City of Thunder Bay (City) has established a Corporate Policy to provide all employees with a healthy and safe work environment, recognizing that the Corporation, as employer, and all of its employees are jointly responsible for health and safety in the workplace.
- II. And Whereas the City is committed to encourage the participation of all workplace parties in the efforts to achieve healthy and safe workplaces across the Corporation.
- III. And Whereas the Occupational Health & Safety Act (Act) requires the establishment of Health & Safety Representatives *and/or* Joint Health & Safety Committees depending on the numbers of workers regularly employed at a workplace.
- IV. And Whereas the City and workplace parties see value in the establishment of a multi-site JHSC based on a combination of Departmental Organization and similarity of hazard exposure, for the promotion, enhancement and consistent implementation of the Internal Responsibility System
- V. The parties hereto have agreed,
 - i. To the establishment of a multi-site Joint Health & Safety Committee with responsibility, in accordance with the provisions of the Act, over the health and safety matters pertaining to all workers and workplaces operating within the City of Thunder Bay as listed in Appendix 2;
 - ii. To make a joint application to the Minister of Labour for approval of this multi-site Committee; and
 - iii. That these Terms of Reference shall provide for the composition, practice and procedure of the Committee.

Definitions

Serious Incident – Incident where there was the potential for a critical or fatal injury.

Consensus – Consensus implies substantial agreement reached by the members of the Committee in attendance. This includes an attempt to resolve all objections. It implies much more than the concept of a simple majority, but not necessarily unanimity.

1. GENERAL

- 1.1 This document describes the composition, practice and procedure developed and agreed to by the workplace parties for the operation of the multi-site for the Southside Joint Health & Safety Committee (Committee) established in accordance with Section 9(3.1) of the Act. Along with the committee, the satellite workplaces listed in Appendix 3 will have workers designated by the worker members of the committee to carry out workplace inspections and participate in the investigations of refusals at their specific workplaces per Section 9(3.2) of the Act.
- 1.2 Employees regularly working within Parks, Roads, Environment, Fleet, Arenas, City Hall, Victoriaville Civic Centre, Human Resources and Golf are represented by the Canadian Union of Public Employees, Local 87 (CUPE).
- 1.3 Employees regularly working with Golf are also represented by United Food and Commercial Workers (UFCW).
- 1.4 Employees regularly working in the locations listed in Appendix 2 that are not represented by a union or trade association and are not management will be represented on the committee by someone who is elected from that group of workers.
- 1.5 All workers shall be encouraged to discuss health and safety concerns with their immediate supervisor before bringing them to the attention of the Committee, following the flow of concern set out on the Internal Responsibility System chart attached as Appendix 1.
- 1.6 This Committee shall have jurisdiction over the work sites listed in Appendix 2 & 3.
- 1.7 This document shall be reviewed annually by the Committee to determine the effectiveness of the committee and the Terms of Reference.
- 1.8 Any amendments, deletions or additions to these Terms of Reference that have the consensus agreement of all members of the Committee and approval by CUPE, UFCW and non-union workers, must be approved by the Ministry of Labour prior to being implemented.
- 1.9 If consensus agreement by all of the members of the Committee and approval by CUPE, UFCW and the non-union workers to any proposed amendments, deletions or additions to these Terms of Reference cannot be reached by the workplace parties within six (6) months of the recommendation of such change, one (1) of the workplace parties may refer the recommendation to the Minister of Labour for review and decision.

2. STRUCTURE OF THE COMMITTEE

- 2.1. The Committee shall be comprised of fifteen (15) members selected as follows:
 - a. The employer shall select four (4) members who exercise managerial functions for the employer at the facilities under the jurisdiction of the Committee,
 - b. CUPE shall select seven (7) worker members to represent workers. One worker will be selected from each of the following workplaces to make up the 8 members;
 - a. Roads South
 - b. Environment South
 - c. Parks South
 - d. Chapples Golf Course
 - e. City Hall
 - f. Victoriaville Civic Centre
 - g. Corporate Information & Technology
 - c. Non-Union worker(s) who work regularly at the facilities under the jurisdiction of the Committee, may select three (3) worker member representing such Non-Union Worker(s) one of which must work in Human Resources; and one from the FWG
 - d. UFCW shall select one (1) worker member who works regularly at the facilities (Chapples or Municipal) under the jurisdiction of the Committee.
- 2.2. Management, CUPE, UFCW, and Non-Union Workers may each select a single Alternate Member who will replace a regular Member if a regular Member is unable to continue to participate in the duties of the Committee. The Alternate member can perform the tasks of a regular member if the regular member is unavailable.
- 2.3. There shall be two (2) Co-Chairs,
 - a. one chosen from amongst the Management Members by the Management Members on the Committee; and
 - b. one chosen from amongst the Worker Members by the Worker Members on the Committee.
- 2.4. The employer shall ensure that at least two (2) Management Members and a minimum of six (6) Worker Members are a Certified Member at all times.
- 2.5. The employer shall provide Certified Member training for all members of the Committee.

- 2.6. To facilitate the effective operation of the Committee, all workplace parties shall be expected to serve a minimum term of two (2) years on the Committee.
- 2.7. Workers working at the satellite locations listed in Appendix 3 will be appointed as per 9(3.2) under the Act and their names will be posted in the workplace.
- 2.8. The employer shall provide the designated workers training to adequately perform the inspections and work refusals.

3. FUNCTIONS OF THE COMMITTEE

- 3.1. In accordance with the Act, the functions of the Committee shall be:
 - a. To identify and evaluate situations that may be a source of danger or hazard in the workplaces under the Committee's jurisdiction,
 - b. To inspect the workplaces monthly under the jurisdiction of the Committee,
 - c. To recommend to the employer equipment, practices and procedures intended to improve the health and safety of workers in the workplaces under the Committee's jurisdiction,
 - d. To recommend to the employer education and training programs intended to make all employees knowledgeable in their rights, restrictions, responsibilities and duties under the Act,
 - e. To obtain from the employer information respecting the identification of potential or existing hazards of materials, processes or equipment and respecting the health and safety experience, practices and standards in similar or other industries,
 - f. To obtain from the employer information concerning the conducting of any testing to be conducted in the workplaces under the jurisdiction of the Committee for the purpose of health and safety, and
 - g. To be consulted about and to have a designated Worker Member present at the beginning of such testing if the designated Worker Member so requires.
- 3.2. Personal information will be kept confidential by all Committee members.
- 3.3. The Management Members and Worker Members shall respectively designate one (1) member who has been trained as a Certified Member to act in that capacity in accordance with the Act, a member to act as an alternate designated Certified Member if the designated member is not available and this information shall be posted in the workplace.

- 3.4 Committee members will ascertain and exchange facts when seeking a resolution of issues and shall make every effort to resolve issues internally. The committee may consult with additional resources to assist in the resolution of any outstanding issues. Resources that may be consulted are
 - a. Corporate Safety Division
 - b. Health and Safety Associations.
- 3.5 Management will respond to the committee in writing within 21 calendar days regarding any written recommendations of the Committee. Responses shall include assessment of the problem, outlining who is responsible for resolving the matter, along with a timetable for implementing the recommendation(s). If the employer disagrees with any recommendation; reasons for the disagreement will be stated. The Recommendation Form approved by the Corporation shall be used to communicate written recommendations of the Committee (attached for information in Appendix).

4. MEETINGS OF THE COMMITTEE

- 4.1. The Committee shall meet monthly on a regularly established schedule approved by the Committee at its first Meeting of each calendar year. Any changes to the Meeting schedule must be approved by the Co-Chairs.
- 4.2. The Co-Chairs, by mutual agreement, may schedule a special meeting of the Committee from time to time to deal with specific issues.
- 4.3. The Co-Chairs will jointly prepare an agenda for Committee Meetings and forward a copy of the agenda to all Committee members at least seven (7) days in advance of the meeting.
- 4.4. The Co-Chairs shall alternate the chair at Meetings of the Committee
- 4.5. All items raised from the agenda in meetings will be reported in the Minutes of the meeting and any items not resolved in the meeting will be placed on the agenda for the next meeting; If the issue is of immediate concern but unresolved, the Committee may refer to the Corporate Safety Division to assist in finding a reasonable interim solution.
- 4.6. The Committee will attempt to resolve issues through consensus.
- 4.7. If there is a safety health and safety issue that requires immediate assistance, the employer will take reasonable precautions of implementing interim measures until the issue is resolved.
- 4.8. Items unresolved by the JHSC after three (3) regular scheduled meetings may be referred to the Corporate Coordinating Committee (structure attached

in Appendix 4 for reference) for consideration. Persons with the knowledge and expertise required to assist in resolving the outstanding issue may be invited by the JHSC to attend the meeting to provide additional information and comment

- 4.9. Committee members shall be entitled to one (1) hour or longer as deemed necessary by the Committee to prepare for each Committee meeting.
- 4.10. For the Committee to conduct business at a meeting the following is required:
 - a. A quorum of fifty per cent plus one (1) of the members of the Committee must be present,
 - b. One (1) Co-Chair must be present,
 - c. One (1) Management Member must be present, and
 - d. The number of Management Members shall not exceed the number of Worker Members.
- 4.11 A Co-Chair, with the consent of his/her counterpart, may invite any additional person(s) to attend the meeting to provide additional information and comment relating to items on the agenda. Such person(s) shall not participate in the regular business of the meeting.
- 4.12 The employer shall ensure that minutes are taken of all meetings by a non-participating secretary and that the minutes are typed and distributed to the Co-Chairs for review and approval within seven (7) days of the meeting.
- 4.13 The Co-Chairs will review, edit and sign the minutes. The signed minutes will be distributed in accordance with the Act, any corporate procedures and to those listed in Appendix 7; and posted in each workplace.
- 4.14 It shall be the practice of the Committee that individual names shall not be used to identify anyone in the minutes other than to identify, with their consent, individuals to whom specific tasks have been assigned.

5. INSPECTIONS

- 5.1. The worker members of the Committee and/or the worker designated by the worker members shall conduct regular monthly inspections of the physical condition of the workplaces (Listed in Appendices 2 & 3).
- 5.2. In the circumstance where the worker designated by the worker members of the JHSC is not available to conduct the monthly inspections at a satellite workplace (due to prolonged absence from the workplace) a worker member from the committee will conduct the inspections.

- 5.3. The Committee shall develop and maintain a workplace inspection report to be used in conducting the inspections, all items identified in the inspection shall be recorded on the inspection report.
- 5.4. Workplace Inspection Reports shall be signed by the individuals conducting the inspection and at the completion of the inspection forwarded to the Committee and the supervisor of the workplace; Inspection reports will be posted in the workplace.
- 5.5. The Supervisor shall respond to any deficiencies identified in the inspection report and the corrective action taken to remediate the deficiencies. Inspection reports shall be posted in the workplace.

6. INVESTIGATIONS & ACCOMPANIMENT

- 6.1 A worker member may exercise the powers granted under the Act to inspect the place where any critical and/or fatal incident occurred and to report his or her findings to an Inspector and the Joint Health and Safety Committee. Where possible this will be a Certified Worker Member.
- 6.2 Upon notification of the Co-Chairs the designated Certified Members may conduct an investigation of an incident that resulted in or could have resulted in an injury of a serious nature.
- 6.3 Notification of a fatality, critical incident or occupational illness which occurred in the workplace shall be made by the Management, or their designate, to the Committee, CUPE, UFCW and the Ministry of Labour as required by the Act.
- 6.4 The committee shall be consulted on industrial hygiene testing and the strategies used in conducting the testing. A worker member of the committee is entitled to be present at the beginning of any testing in the workplace with respect to industrial hygiene if the member believes that their presence is required to ensure that valid testing procedures are used and/or that the results are valid.
- 6.5 A worker member or a worker who has been designated by the worker members of the committee will accompany a Ministry of Labour inspector while carrying out inspections or investigations of the workplace.
- 6.6 In the event of a work refusal a JHSC worker member or the worker designated by the worker members will participate in the investigation as per the requirements of the Act.
- 6.7 A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint. Any certified committee member may invoke the powers of section 45 of the Act, related to a bilateral work

stoppage, if they have reason to believe that a dangerous circumstance exists at a workplace.

7. OTHER

- 7.1. All time spent in attendance at Committee meetings or in activities relating to the function of the Committee will be paid for at the member's appropriate rate of pay in accordance with the Act and the applicable Collective Agreement and such time spent is to be considered as time at work.

1. Signed at Thunder Bay, this _____

City of Thunder Bay	Non-Union Workers	United Food & Commercial Workers	Canadian Union of Public Employees, Local 87
<p>_____</p> <p>Tim Commisso City Manager</p>	<p>_____</p> <p>Marcy Vallelunga JHSC Member</p>	<p>_____</p>	<p>_____</p> <p>Marie Dean President</p>
<p>_____</p>	<p>_____</p> <p>Johnathon Tyson JHSC Member</p>	<p>_____</p>	<p>_____</p> <p>Martin Nuttall Health & Safety Chairperson</p>

~ APPENDIX 1 ~

The *Internal Responsibility System* and the *Flow of Concern* Process

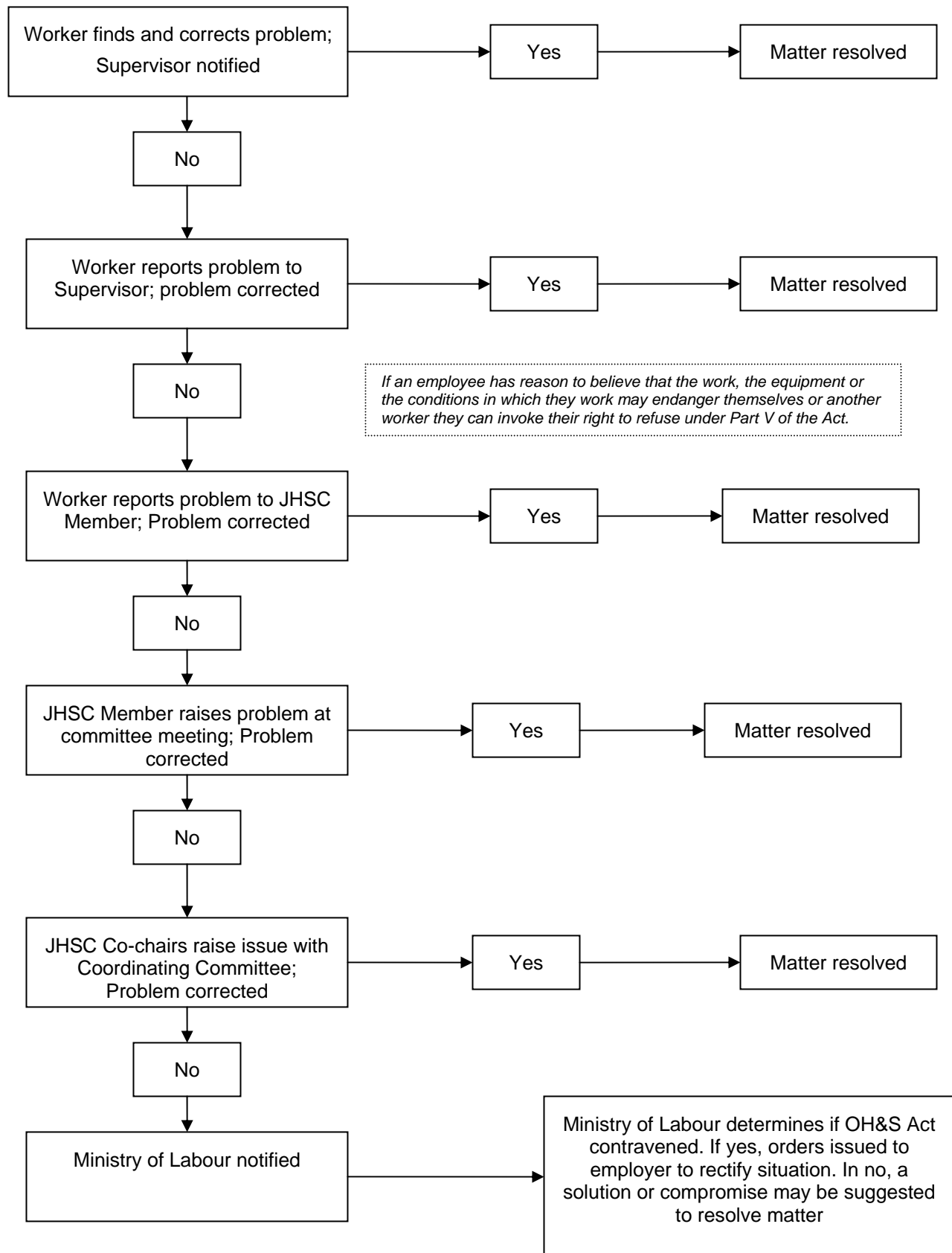
The City of Thunder Bay is vitally interested in the Health and Safety of all of its workers and makes every effort to provide a safe, healthy work environment.

As an employer, the City of Thunder Bay is ultimately responsible for worker health and safety. Managers and supervisors are accountable for the health and safety of workers under their supervision.

Every individual worker is responsible to protect his or her own health and safety by working in compliance with legislation and other requirements, such as safe work practices and procedures.

It is in the best interest of all workplace parties to consider health and safety in all daily activities and maintain a commitment to review and continuously improve safety performance and control systems. All workers are encouraged to work collaboratively together in promoting and improving health and safety at work and recognizing that it is an integral part of this organization.

Flow of Concern



~ APPENDIX 2 ~

Locations

Location	# of workers regularly employed	Work Groups		
		Management	Union	Non-Union/Non-Mgmt
Road South 410 Mountdale Avenue Thunder Bay, ON	37	1	36	
Environment South 410 Mountdale Avenue Thunder Bay, ON	41	2	39	
Parks South 410 Mountdale Avenue Thunder Bay, ON	31	1	30	
Chippewa Park 2465 City Road Thunder Bay, ON	31	1	30	
Fort William Gardens 901 Miles Street East	83	1	6	76
Chapples Golf Course 530 Chapples Park Drive	22	1	21	
Corporate Information Technology 125 Syndicate Ave South Thunder Bay, ON	29	4	23	2
City Hall 500 E. Donald Street Thunder Bay, ON	74	16	49	9
VictoriaVille Civic Centre 111 South Syndicate Avenue Thunder Bay, ON	140	41	72	27
Human Resources 141 South May Street Thunder Bay, ON	25	16		9

~ APPENDIX 3 ~

Satellite Locations

Satellite Location	# of workers regularly employed	Work Groups		
		Management	Union	Non-Union/Non-Mgmt
Parking Authority 125 Syndicate Ave S. Thunder Bay, ON	8	1	6	1
Mountainview Cemetery 1351 Broadway Ave Thunder Bay, ON	8		8	
Municipal Golf Course 138 Hwy 130 Paipoonge, ON	10		10	
Conservatory 1601 Dease Street Thunder Bay, ON	9		9	
Neebing Arena 1751 Bowlker Rd Thunder Bay, ON	8		3	5
Delany Arena & FW Stadium 300 Legion Track Drive Thunder Bay, ON	7		3	4
Facilities & Fleet South 410 Mountdale Avenue Thunder Bay, ON	7	1	6	
Archives 235 Vickers Street North Thunder Bay, ON	6	1		5
Print Shop 125 Syndicate Avenue South Thunder Bay, ON	4		4	
Provincial Offences – Court Services 125 S. Syndicate Avenue Thunder Bay, ON	10	1	8	1

~ APPENDIX 4 ~

JHSC Recommendation Form

**~ Appendix 5 ~
Distribution List**

Distribution List

- CUPE Local 87
- United Food and Commercial Workers
- City Manager
- City Solicitor
- General Manager of Development Services
- General Manager of Finance
- General Manager of Community Services
- General Manager of Facilities & Fleet
- General Manager of Transportation & Works
- Manager of Accounting & Budgets
- Manager of Building Division
- Manager of Central Support
- Manager of Corporate Communications and Strategic Initiatives
- Manager of Corporate Information & Technology
- Manager of Corporate Records
- Manager of Corporate Safety
- Manager of Court Services
- Manager of Engineering Division
- Manager of Environment
- Manager of Facilities
- Manager of Finance
- Manager of Fleet
- Manager of Human Resources
- Manager of Internal Audit & Management Studies
- Manager of Licensing & Enforcement
- Manager of Materials Management
- Manager of Parking Authority
- Manager of Parks
- Manager of Planning Division
- Manager of Realty Services
- Manager of Revenue
- Manager of Roads
- Director of Golf
- Supervisor – Accounting
- Supervisor – Administrative Support Services
- Supervisor – Arenas & Stadia
- Supervisor – Clubhouse Services
- Supervisor – Collection
- Supervisor – Construction Services
- Supervisor – Contract Project Services
- Supervisor – Financial Services
- Supervisor – Fleet
- Supervisor – Materials Management
- Supervisor – Parks South
- Supervisor – Provincial Land Tax Administration
- Supervisor – Taxation & Revenue Accounting
- Supervisor – Waste & Recyclables
- Supervisor – Roads South
- Supervisor – Sewer & Water South
- Corporate Safety Specialists
- Deputy City Clerk
- Executive Assistant – GM Community Services
- Executive Assistant – GM Facilities & Fleet
- Executive Assistant – GM Transportation & Works

~APPENDIX 6~

Work Refusal Flowchart

CTB WORK REFUSAL PROCESS

Employees of CTB Fire, EMS, Police or Health Care Workers cannot refuse to work if: the danger is inherent in their work or a normal condition of employment; or their refusal would directly endanger the life, health or safety of another person

Refer to City's Work Refusal Procedure and section 43 of the Occupational Health & Safety Act

